

REMARKS

The Examiner indicated that claims 6-8, 11, 17-19 and 22 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 6 has been cancelled and rewritten as independent claim 23 and includes the limitations of claims 1 and 6. Claim 7 has been amended to depend from claim 23 rather than cancelled claim 6. Claim 11 has been cancelled and rewritten in independent form as newly submitted claim 24 and includes the limitations of claims 1 and 11. Claim 17 has been cancelled and rewritten as independent claim 25 which includes the limitations of claims 12 and 17. Claim 18 has been amended to depend from claim 25 rather than cancelled claim 17. Claim 22 has been cancelled and rewritten as newly submitted claim 26 and includes the limitations of claims 12 and 22. Accordingly, it is believed that claims 23, 7, 8, 24, 25, 18 and 26 are in condition for allowance.

Claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dunne (3,564,783). It is believed that the Examiner's 35 U.S.C. § 102(b) rejection is in error and should be withdrawn. First, Dunne does not disclose an elevated box truss which extends over a roadway and has opposite ends secured to upstanding supports. In Dunne, the numeral 28 does not refer to a support, but refers to the longitudinal axis of the rotor. The numeral 30 does not refer to an upstanding support since the entire structure is supported on the support 14 having the beam 12 secured thereto. The changeable message highway sign machine of Dunne does not have a box truss which extends over a roadway and which has opposite ends secured to the

1 upstanding supports. The only type of truss found in the Dunne patent is the truss-like
devices which support the signs and which are rotated about their longitudinal axes.
The ends of the box trusses of the signs in Dunne are not supported at their opposite
ends by upstanding supports nor do they extend completely across the roadway.
5 Further, the box truss section of the sign in Dunne does not have the tubes, truss
members, etc., which are set forth in the last two paragraphs of page 8 of the claims.
The messaging sign of Dunne is not positioned between a first upper tube, a first lower
tube, first truss members, second truss members, and third truss members, as
10 required by the last paragraph of claim 1. With respect to the rejection of claim 12, the
comments directed to claim 1 above are incorporated herein. In summary, claim 12
describes an elevated box truss which extends over a roadway and which has
opposite ends secured to upstanding supports. As stated in support of claim 1, any
box-like truss of Dunne does not extend between upstanding supports. The truss
15 members in Dunne are the signs themselves rather than the supporting structure for
the signs. Accordingly, claims 1 and 12 should be allowed.

Claims 2-4 and 13-15 were rejected under 35 U.S.C. § 103(a) as being
unpatentable over Dunne (3,564,783) in view of Safavi et al. (2004/0123501). Claims
20 2-4 ultimately depend from claim 1 and therefore include the limitations of claim 1.
Claims 2, 3 and 4 are believed to be allowable for the reasons expressed in support of
claim 1 hereinabove. Claims 13-15 depend from claim 12 and are similar to claims 2,
3 and 4. Inasmuch as claims 13-15 depend from claim 12, it is believed that claims
13-15 are allowable for the reasons expressed in support of claim 12 above. The
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1 suggested modification of the prior art with respect to claims 2-4 and 13-15 simply
does not provide a box-like truss which extends across a roadway and is supported by
upstanding supports. Applicant hereby incorporates the arguments set forth in support
of claim 12 hereinabove. It is therefore believed that claims 2-4 and 13-15 should be
5 allowed.

Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable
over Dunne. Inasmuch as claim 5 depends from claim 1 and claim 16 depends from
claim 12, both of which are believed to be allowable as set forth hereinabove, it is
10 believed that claims 5 and 16 should be allowed. Even if the messaging sign of Dunne
were changed to be a variable messaging sign, a digital messaging sign, or a variable
messaging sign and a digital messaging sign, the resulting combination would still not
have the box-like truss as set forth and described above. Accordingly, claims 5 and 16
should also be allowed.

15 Claims 9, 10, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being
unpatentable over Dunne in view of Reinitz. Inasmuch as claims 9 and 10 depend
from claim 1, which is believed to be allowable, and claims 20 and 21 depend from
claim 12, which is believed to be allowable, claims 9, 10, 20 and 21 should also be
20 allowed. Even if the Dunne reference was modified as suggested by the Examiner,
the resulting combination would still lack the box-like truss structure described in
claims 1 and 12 and as argued to be allowable hereinabove. Accordingly, claims 9,
10, 20 and 21 should be allowed.

1 The foregoing has clearly shown that the remaining claims in this application
are in condition for allowance. The Examiner has failed to cite a prior art reference
wherein a box truss extends over a roadway and has opposite ends secured to
upstanding supports with the box truss being comprised of a plurality of box truss
5 sections secured to one another in an end-to-end relationship with one of those box
truss sections adapted to have a messaging sign mounted therein. Further, the
Examiner has been unable to locate a reference wherein the box truss sections have
the structure as set forth in claims 1 and 12. The Examiner is therefore respectfully
10 requested to allow all of the claims.

No extensions of time are believed to be due in connection with this
Amendment; however, please consider this a request for any extension inadvertently
omitted and charge any additional fees to Deposit Account No. 502093.

15 Respectfully submitted,



DENNIS L. THOMTE
Registration No. 22,497
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

20 2120 S. 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280



CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for AARON C. POOT, Serial No. 10/715,044, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 26 day of July, 2005.

Dennis L. Thomte
DENNIS L. THOMTE